

1 \$35000.PRE

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FILED
DISTRICT COURT OF GUAM

FEB 10 2003

MARY L. M. MORAN
CLERK OF COURT

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8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE TERRITORY OF GUAM**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 \$35,000.00 UNITED STATES
15 CURRENCY,

16 Defendant.

CIVIL CASE NO. 02-00026

17
18 **PRELIMINARY ORDER OF**
19 **FORFEITURE**

20 WHEREAS, on June 14, 2002, Charles Kirtley, the next of kin to the deceased Michael
21 C. Kirtley, filed with the Drug Enforcement Administration a claim for the defendant \$35,000.00
22 United States Currency. In response to that claim, the United States initiated this judicial
23 proceeding to effect the forfeiture of this res; the Verified Complaint of Forfeiture was filed
24 September 10, 2002;

25 WHEREAS, a copy of the Verified Complaint of Forfeiture and Notice of Arrest were
26 mailed by the United States Attorney's Office on September 13, 2002, to Charles Kirtley at
27 20853 Yam Street, Orlando, Florida, 32833, which address Claimant Kirtley had given the DEA
28 when he initiated his claim. These documents were mailed by certified mail, receipt Z 324 846
29 246;

1 WHEREAS, the United States requested the U.S. Postal Service to trace this letter, to
2 ensure that in fact Mr. Kirtley had received it. The results of which trace was faxed to the United
3 States Attorneys Office on January 6, 2003, and indicate that the Verified Complaint and Notice
4 of Arrest were delivered to Charles Kirtley on September 26, 2002, at 14:33, and that he signed
5 for it;

6 AND WHEREAS, Claimant Charles Kirtley has failed to file a claim as provided by the
7 Supplemental Rules for Certain Admiralty and Maritime Claims, Rule C(6) and 18 United States
8 Code, § 983(a)(4) or an answer as provided by the same rules and statute, in a timely matter as
9 provided therein;

10 Accordingly, it is hereby **ORDERED, ADJUDGED AND DECREED:**

11 1. That the United States is hereby authorized to seize the said defendant \$35,000.00 in
12 United States Currency, and it is hereby forfeited to the United States for disposition in
13 accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1);

14 2. That pursuant to 21 U.S.C. § 853(n)(1), the United States Marshal shall forthwith
15 publish at least once for three successive weeks in a newspaper of general circulation, notice of
16 this Order, notice of the Marshal's intent to dispose of the property in such manner as the
17 Attorney General may direct, and notice that any person, other than the defendant, having or
18 claiming a legal interest in any of the above-listed forfeited property must file a petition with the
19 court within thirty (30) days of the final publication of notice or of receipt of actual notice,
20 whichever is earlier.

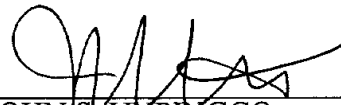
21 This notice shall state that the petition shall be for a hearing to adjudicate the validity of
22 the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of
23 perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of
24 the forfeited properties and any additional facts supporting the petitioner's claim and the relief
25 sought.

26 The United States may also, to the extent practicable, provide direct written notice to any
27 person known to have alleged an interest in the property that is the subject of the order of
28

1 Forfeiture, as a substitute for published notice as to those persons so notified.

2 3. That upon adjudication of all third-party interests, this Court will enter a Final Order
3 of Forfeiture pursuant to 18 U.S.C. 982(b)(1)(B) and 21 U.S.C. 853(n), in which all interests will
4 be addressed.

5 ORDERED this 16th day of January, 2003.

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8 
9 JOHN S. UNPINGCO
Presiding Judge
District Court of Guam

10 Presented by:

11 FREDERICK A. BLACK
12 United States Attorney

13 By:

14 
KARON V. JOHNSON
Assistant United States Attorney

